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Crl.O.P.No.7786 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.7786 of 2025

C. Padmanaban
S/o. Late Chandrasekaran

....Petitioner/Sole Accused

Vs

The State represent by
The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai District.
(Crime No.81 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest **in Crime No.81 of 2025**, on the file of the
respondent police.

For Petitioner	: Mr.Sundarapandiyan, B.
For Intervener	: Mr. K. Surender
For Respondent	: Mr. S. Balaji Government Advocate (Crl. Side)



ORDER

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The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(2) and 337 of BNS, 2023, in Crime No.81 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner claiming to be a contractor for procuring the carton boxes from TASMAL retail outlets in the District of Chennai, Kancheepuram and Chengalpattu, had induced the *de facto* complainant to take up a sub-contract and to pay a sum of Rs.15,00,000/- and entered into an agreement on 21.02.2023 and cheated him and thus committed the offence of cheating.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that in any case he had handed over a cheque for Rs.10,00,000/- to the *de facto* complainant and the *de facto* complainant had also issued a notice for the dishonoured cheque and that the allegations are borne out by records and hence custodial interrogation is not required



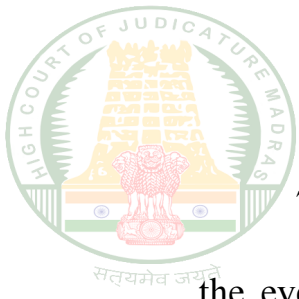
and prayed for anticipatory bail to the petitioner.

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4. The learned counsel appearing for the intervener/*de facto* complainant submitted that it is a case of cheating; that the petitioner was unable to provide any order from the TASMACH to prove that he was an approved contractor for picking up carton boxes and that custodial interrogation is required and opposed to grant of anticipatory bail.

5. The learned Government Advocate(Crl. side) reiterated the prosecution case and submitted that the petitioner had received a sum of Rs.15,00,000/- from the *de facto* complainant on 22.02.2023.

6. The question in this petition is not whether the petitioner has committed the act of cheating. Even if the allegations are accepted to be true, the question is whether custodial interrogation of the petitioner is required for the purpose of investigation. The allegations are borne out by records. Hence, this Court is of the view that custodial interrogation of the petitioner is not required and inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Alandhur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

The respondent police is directed to file a final report as expeditiously as possible.

25.03.2025

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To

1. The Judicial Magistrate No.II, Alandhur
2. The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai District.
3. The Public Prosecutor, High Court, Madras.

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SUNDER MOHAN, J.

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